

Court of Appeals, State of Michigan

ORDER

People of MI v Allen A Cain

Docket No. 298416

LC No. 2009-225346-FH

Mark J. Cavanagh
Presiding Judge

E. Thomas Fitzgerald

Pat M. Donofrio
Judges

The Court orders that the motion to remand to settle the trial court record is GRANTED. On remand, defendant-appellant shall follow the procedures in MCR 7.210(B)(2) to settle the facts for any portions of the trial court record that are not available. Defendant-appellant shall file a proposed statement of facts with the trial court within 14 days of the Clerk's certification of this order. The trial court is to hear and decide the matter within 56 days of the Clerk's certification of this order.

This Court retains jurisdiction in this matter and the time for proceeding with the appeal in this Court begins upon issuance of a certified statement of facts under MCR 7.210(B)(2) by the trial court or 14 days after the Clerk's certification of this order if defendant-appellant fails to file a proposed statement of the facts with the trial court in the 14-day period. Defendant-appellant shall also have 21 days from the issuance of a certified statement of facts by the trial court in which to file a supplemental brief on appeal.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 17 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk